

IN THE CLAIMS:

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1. (Previously Amended) A method for capturing an image using an image capture device, the image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the image being associated with a focus zone, method comprising the steps of:

- (a) determining if the image matches at least one criteria;
- (b) determining whether at least one of the plurality of objects is out of focus if the image matches the at least one criteria;
- (c) determining whether the focus zone can be shifted so that the at least one object is out of focus if the at least one object is not out of focus; and
- (d) shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus and if it is determined that the focus zone can be shifted so that the at least one object is out of focus;
- (e) setting an aperture size without shifting the focus zone after the focus zone has been shifted if it is determined that the focus zone can be shifted so that the at least one object is out of focus; and
- (f) adjusting the aperture size to shorten the focus zone if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

2. (Original) The method of claim 1 wherein the step of determining if the image matches the at least one criteria (a) further includes the step of:

- (a1) determining the corresponding distance for each of the plurality of objects.

3. (Original) The method of claim 2 wherein the step of determining if the image matches the at least one criteria (a) further includes the step of:

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(a2) categorizing the plurality of objects as being located in a foreground or a background based on the corresponding distance, the image matching one of the at least one criteria if a first object in the foreground has a first corresponding distance and a second object in the background has a second corresponding distance.

4. (Original) The method of claim 1 further wherein the step of determining if the image matches the at least one criteria (a) further includes the step of:

(a1) separating the image into a plurality of zones;

(a2) analyzing the image in each of the plurality of zones to determine if the image matches the at least one criteria.

5. (Original) The method of claim 4 wherein the at least one criteria includes the size of a particular object of the plurality of objects and wherein the step of analyzing the image (a2) further includes the step of:

(a2i) determining the amount of each zone and a number of zones which the particular object occupies.

6. (Original) The method of claim 1 wherein the image includes a center and at least one criterion includes a location of a particular object of the plurality objects being in proximity to the center of the image.

7. (Previously Amended) The method of claim 1 wherein the step of shifting the focus zone (d) further includes the step of:

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(d1) shifting the focus zone so that the at least one object is outside of the focus zone if the focus zone can be shifted so that the at least one object is outside of the focus zone.

8. (Canceled)

9. (Currently Amended) A method for allowing an image having a center to be captured by an imaging device, the image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the method comprising the steps of:

(a) determining if the image matches a plurality of criteria, the step of determining if the image matches the plurality criteria further including the steps of:

(a1) determining the corresponding distance for each of the plurality of objects;

(a2) categorizing the plurality of objects as being located in a foreground or a background based on the corresponding distance, the image matching a first criteria of the plurality of criteria if a first object in foreground has a first corresponding distance and a second object in the background has a second corresponding distance;

(a3) separating the image into a plurality of zones;

(a4) analyzing the image in each of the plurality of zones to determine an amount of the image which each of the plurality of objects occupies, the image matching a

second criteria of the plurality of criteria if the first object occupies a particular amount of the image;

(a5) analyzing the image in each of the plurality of zones to determine if the first object in the foreground is in proximity to the center of the image, the image matching a third criteria of the plurality of criteria if the first object is in proximity to the center of the image;

(b) determining whether the second object is out of focus if the image matches [[the]]at least one criteria;

(c) determining a focus zone;

(d) determining whether the focus zone can be shifted so that that the at least one object is out of focus if the at least one object is not out of focus; and

(e) shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus and if the focus zone can be shifted so that the at least one object is out of focus;

(f) setting an aperture size without shifting the focus zone after the focus zone has been shifted if it is determined that the focus zone can be shifted so that the at least one object is out of focus; and

(g) adjusting the aperture size to shorten the focus zone if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

10. (Previously Amended) An image capture device for capturing an image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the image being associated with a focus zone, the image

capture device comprising:

means for determining if the image matches at least one criterion;

means for determining whether at least one of the plurality of objects is out of focus if the image matches the at least one criteria;

means for determining whether the focus zone can be shifted so that the at least one object is out of focus if the at least one object is not out of focus; and

means for shifting the focus zone, the focus zone shifting means shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus if it is determined that the focus zone can be so shifted;

means for adjusting an aperture size, the aperture size adjusting means setting the aperture size without shifting the focus zone after the focus zone has been shifted if it is determined that the focus zone can be shifted so that the at least one object is out of focus and adjusting the aperture size to shorten the focus zone if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

11. (Original) The image capture device of claim 10 wherein means for determining if the image matches the at least one criteria further includes:

means for determining the corresponding distance for each of the plurality of objects.

12. (Original) The image capture device of claim 11 wherein the means for determining if the image matches the at least one criteria further includes:

means for categorizing the plurality of objects as being located in a foreground or a background based on the corresponding distance, the image matching one of the at least one

criteria if a first object in the foreground has a first corresponding distance and a second object in the background has a second corresponding distance.

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13. (Original) The image capture device of claim 10 further wherein the means for determining if the image matches the at least one criteria further includes:

means for separating the image into a plurality of zones; and

means for analyzing the image in each of the plurality of zones to determine if the image matches the at least one criteria.

14. (Original) The image capture device of claim 13 wherein the at least one criteria includes the size of a particular object of the plurality of objects and wherein the means for analyzing the image further includes:

means for determining the amount of each zone and a number of zones which the particular object occupies.

15. (Original) The image capture device of claim 10 wherein the image includes a center and at least one criterion includes a location of a particular object of the plurality objects being in proximity to the center of the image.

16. (Original) The image capture device of claim 10 wherein the means for shifting the focus zone further includes:

means for shifting the focus zone so that the at least one object is outside of the focus zone if the focus zone can be shifted so that the at least one object is outside of the focus zone.

17. (Previously Amended) The image capture device of claim 16 wherein the means for shifting the focus zone further includes:

means for adjusting the shifting of the focus zone so that the focus zone can be shifted so that at least one object is outside of the focus zone if the at least one of the plurality of subjects is not out of focus.

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18. (Original) The image capture device of claim 1 wherein the image capture device is a digital camera.

19. (Previously Amended) A computer-readable medium containing a program for capturing an image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the image being associated with a focus zone, program including instructions for:

determining if the image matches at least one criterion;

determining whether at least one of the plurality of objects is out of focus if the image matches the at least one criterion;

determining whether the focus zone can be shifted so that that the at least one object is out of focus if the at least one object is not out of focus;

shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus if it is determined that the focus zone can be shifted so that the at least one object is out of focus;

setting an aperture size without shifting the focus zone after the focus zone has been shifted if it is determined that the focus zone can be shifted so that the at least one object is

out of focus;

adjusting the aperture size to shorten the focus zone if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

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20. (Original) The computer-readable medium of claim 19 wherein the instructions for shifting the focus zone further include instructions for:

shifting the focus zone so that the at least one object is outside of the focus zone if the focus zone can be shifted so that the at least one object is outside of the focus zone.

21. (Original) The computer-readable medium of claim 20 wherein the instructions for shifting the focus zone further include instructions for:

adjusting the focus zone so that the focus zone can be shifted so that at least one object is outside of the focus zone if the focus zone can be shifted so that the at least one object is outside of the focus zone.

22. (Currently Amended) A computer-readable medium containing a program for capturing an image having a center to be captured by an imaging device, the image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the program containing instructions for:

determining if the image matches a plurality of criteria, the instructions for determining if the image matches the plurality criteria further including instruction for:

determining the corresponding distance for each of the plurality of objects;

categorizing the plurality of objects as being located in a foreground or a background

based on the corresponding distance, the image matching a first criterion of the plurality of criteria if a first object in foreground has a first corresponding distance and a second object in the background has a second corresponding distance;

separating the image into a plurality of zones;

analyzing the image in each of the plurality of zones to determine an amount of the image which each of the plurality of objects occupies, the image matching a second criterion of the plurality of criteria if the first object occupies a particular amount of the image;

analyzing the image in each of the plurality of zones to determine if the first object in the foreground is in proximity to the center of the image, the image matching a third criterion of the plurality of criteria if the first object is in proximity to the center of the image;

determining whether the second object is out of focus if the image matches [[the]]at least one criterion;

determining a focus zone;

determining whether the focus zone can be shifted so that that the at least one object is out of focus if the at least one object is not out of focus; and

shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus and if the focus zone can be shifted so that the at least one object is out of focus;

setting an aperture size without shifting the focus zone after the focus zone has been shifted if it is determined that the focus zone can be shifted so that the at least one object is out of focus;

adjusting the aperture size to shorten the focus zone if it is determined that shifting the

focus zone alone is not sufficient for the at least one object to be out of focus.

23. (Canceled)

24. (Canceled)

25. (Canceled)

26. (Canceled)

27. (Canceled)

28. (Original) The method of claim 1 further comprising the step of:

(g) setting the focus zone location based on the aperture size if the aperture size has been adjusted to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

29. (Canceled)

30. (Original) The method of claim 9 further comprising the step of:

(h) setting the focus zone location based on the aperture size if the aperture size has been adjusted to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

31. (Canceled)

32. (Original) The image capture device of claim 10 wherein the focus zone shifting means further set the focus zone location based on the aperture size if the aperture has been adjusted to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

33. (Canceled)

34. (Original) The computer-readable medium of claim 19 wherein the program further includes instructions for:

setting the focus zone location based on the aperture size if the aperture size has been adjusted to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

35. (Canceled)

36. (Original) The computer-readable medium of claim 22 wherein the program further includes instructions for:

setting the focus zone location based on the aperture size if the aperture size has been adjusted to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

37. (Canceled)

Please add claims:

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38. (New) The method of claim 1 wherein the aperture-adjusting step (f) further includes the step of:

(f1) adjusting the aperture size to shorten the focus zone only if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

39. (New) The method of claim 9 wherein the aperture-adjusting step (g) further includes the step of:

(g1) adjusting the aperture size to shorten the focus zone only if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

40. (New) The image capture device of claim 10 wherein the aperture adjusting means further adjust the aperture size to shorten the focus zone only if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

41. (New) The computer-readable medium of claim 19 wherein the aperture-adjusting instructions further include instructions for:

adjusting the aperture size to shorten the focus zone only if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

42. (New) The computer-readable medium of claim 22 wherein the aperture-
adjusting instructions further include instructions for:

adjusting the aperture size to shorten the focus zone only if it is determined that shifting
the focus zone alone is not sufficient for the at least one object to be out of focus.
